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Federal Communications Commission  
Office of Secretary

Common Carrier Bureau  
Network Service Division  
Office of the Chief

Ms. Magalie Roman Salas  
Secretary, Federal Communications Commission  
Room 222  
1919 M Street NW  
Washington, D.C. 20554

CC DOCKET: 96-28

Re: File No. NSD-L-99-13, Common Carrier Bureau Seeking Comments on  
Compliance Deadline for Harmonization Order Regulations (DA 99-342)

Dear Ms. Salas:

ACIL<sup>1</sup> hereby submits these Comments in response to the FCC's Public Notice released February 17, 1999, in the matter of the Common Carrier Bureau seeking Comments on the compliance deadline for Harmonization Order Regulations (DA 99-342).

In this Public Notice, the FCC requests comments on 47 C.F.R. ' 68.2(j)(3), which was adopted in the Harmonization Order<sup>2</sup> which harmonized U.S. and Canadian regulations governing the connection of customer-provided terminal equipment to the Public Switched Telephone Network.

<sup>1</sup> ACIL is the national trade association representing independent, commercial scientific and engineering firms. Its members are professional services firms engaged in testing, product certification, consulting, and research and development. Affiliated membership is available to manufacturer=s laboratories, consultants, and suppliers to the industry. The association was founded in 1937 as the American Council of Commercial Laboratories. It was later incorporated in the State of New York as the American Council of Independent Laboratories. Today, the association simply goes by its acronym, ACIL.

<sup>2</sup> Amendment of Part 68 of the Commissions Rules, *Report and Order*, 12 FCC Rcd 19218 (1997), *Errata*, DA 98-277 (rel. Feb. 12, 1998)

ACIL wholeheartedly supported the Commission in its Harmonized Rulemaking<sup>3</sup> ("Harmonized Rules") for 47CFR Part 68 (CC Docket 96-28). Among other things, the Harmonized Rules of this Docket deleted requirements related to obsolete services such as AIOD, tightened certain areas of the Part 68 Rules, introduced new concepts of the different types of intentional paths to ground and changed the on-hook impedance specifications for ringing voltage and frequency settings, etc. Most importantly, the Harmonized Rules incorporated a new surge, the Surge Type B, in 47CFR Part 68, Section 68.302(c), which was adopted ***primarily to alleviate the vast number of complaints received by the FCC*** on terminal equipment's operational failures after lightning storms.

Although the changes in the Harmonized Rules are not numerous, they are substantive enough such that, to even refer to the Harmonized Part 68 requires a complete new set of references in paragraphs and section numberings, etc. Consequently, in a lot of sections of Part 68, one could not refer to a paragraph in the old Part 68 and expect to find the same paragraph and its numbering in the Harmonized Rules.

ACIL comments are based on the reason that, since the effective date of the Harmonized Rules, April 20, 1998, the industry has encountered practical burdens in on-going compliance testing because of the need to maintain two separate and parallel sets of Part 68 Rules, one set for the equipment registered under the old Part 68 Rules, and the second set for new equipment falling under the Harmonized Rules. With the need to operate under two versions of the Part 68 Rules, a test laboratory must maintain two sets of test procedures and two sets of test equipment for those areas that differ from one version to the other. Both independent and manufacturers' test laboratories performing on-going compliance, as required by the FCC Rules, are encountering this burdensome situation. As referencing the old Part 68 does not match the Harmonized Part 68 paragraph for paragraph, it is absolutely bewildering to those doing the testing to even try to pick and choose sections within the two versions of Part

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<sup>3</sup> Id.

68 to demonstrate compliance, when it is not obvious to the test personnel that the equipment under test was registered prior to the effective date of the Harmonized Rules.

ACIL strongly believes that the FCC should only have one version of any part of the Commission's Rules. Therefore, it is absolutely essential to have a clean cut-over to the Harmonized Rules.

Traditionally, the FCC has given the industry 18 months of grandfathering for equipment previously connected to the network; all equipment manufactured after a "register-only" date, must be brought into compliance, thereby insuring that old stock of equipment be depleted over time. The addition of the Surge Type B to Part 68 is believed to require some redesign to bring a number of currently registered equipment into compliance; however, when the industry adopted this surge, it was fully understood and expected that it would help address the widespread problems of equipment failures which generated the vast numbers of complaints lodged with the FCC field offices. In fact, this was the rationale submitted in Appendix A of the Telecommunications Industry Association ("TIA") petition for rulemaking<sup>4</sup>. As a result, allowing equipment registered prior to the effective date of the Harmonized Rules to continue to be manufactured **forever** (if not modified) would be to perpetrate the field problems that the surge Type B of the Harmonized Rules was intended to avoid.

ACIL is given to understand that redesigning the interface circuit to survive the surge Type B would pose some burdens to manufacturers. Therefore, ACIL would recommend that the Commission double the amount of time traditionally allowed for the grandfathering period, from the usual 18 months to 36 months, starting from the effective date of the Harmonized Rules. This would require that all equipment be brought into compliance with the Harmonized Rules around April 20, 2001. This longer period will provide the manufacturers the needed lead-time to redesign, if necessary. In

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<sup>4</sup> Telecommunications Industry Association (TIA) Petition for Rulemaking, Appendix A, page 10, submitted March 9, 1995, RM 8621, CC Docket 96-28.

addition, by that time, it is hoped that the majority of equipment covered by the grandfathering conditions will be phased out of production and replaced by models that will be subject to the Harmonized Rules.

The adoption of ACIL's proposal would avoid having newly manufactured equipment designed to and registered under the old Part 68 Rules proliferate forever in the marketplace and continue to contribute to the complaints that the FCC field offices receive.

In addition to the change needed for re-registration, we suggest that the grandfathering clause for the Harmonized Rules adopted on April 20, 1998 be renumbered, to §68.2(m), with its own title, since paragraph (j) of Section 68.2 addresses equipment connected to PSDS (Types I, II, and III) services, whereas the grandfathering clause for the Harmonized Rules actually addresses all equipment.

ACIL would therefore recommend that the current 68.2(j)(3) be removed and replaced by the following paragraph:

**§68.2 \*\*\***

**(m) *Grandfathered equipment conditions for the Harmonized Rules:***

- (i) Except as provided under (ii) below, terminal equipment, including premises wiring and protective apparatus (if any), registered on or before April 20, 1998, do not have to be re-registered unless subsequently modified. The term "modified" in this sense refers to any change in equipment hardware or software that would affect compliance of the equipment with the applicable sections of Part 68.*
- (ii) Terminal equipment, including premises wiring and protective apparatus (if any), registered on or before April*

*20, 1998, and not modified, must be re-registered in accordance with the Harmonized Rules after April 20, 2001. This rule does not apply to equipment already manufactured, installed in the field, or connected to the network prior to this date.*

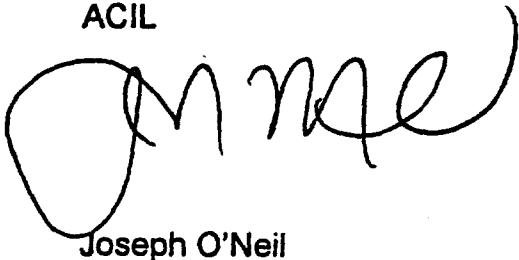
- (iii) All new terminal equipment including premises wiring and protective apparatus (if any) manufactured after May 19, 1999 must conform to the Harmonized Rules.*

ACIL believes that our proposed § 68.2(m) will clarify the ambiguity in the language of the current grandfathering paragraph (j)(3) of § 68.2 while addressing the industry's concern of maintaining only one version of FCC Part 68 Rules in going forward; at the same time, this proposal allows manufacturers the additional lead-time needed for re-registration.

We believe that it will be equitable to all stakeholders that the FCC specifies a clean cut-over date, while allowing the industry a longer lead-time for bringing equipment into compliance with the Harmonized Rules, and avoiding any burden on manufacturers for previously registered products that have been manufactured, installed in the field, or connected to the network prior to the cut-over date.

Respectfully submitted,

ACIL

A handwritten signature in black ink, appearing to read "J O'Neil", is written over the printed name.

Joseph O'Neil